

REMARKS

Applicant respectfully requests reconsideration. Claims 1-10, 12-23, and 25-44 were previously pending in this application. Claims 1-10, 12-22, and 40-44 have been amended. No claims have been added or canceled. As a result, claims 1-10, 12-23, and 25-44 are pending for examination with claims 1, 16, 22, and 40 being independent claims. No new matter has been added.

The Amendments Should Be Entered

Applicants request that the amendments be entered to place this application in better condition for allowance or appeal. In addition to minor clarifications, the amendments incorporate limitations previously recited in at least one other previously pending claim. Therefore, these amendments should not be regarded as raising new issues.

Objections

Claim 22 was objected to for the use of the phrase "capable of indicating" because it renders the claim indefinite. Claim 22 has been amended to replace "capable of indicating" with "configured to indicate." Accordingly, the objection should be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 1-2, 10, 16, 21-22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka, U.S. Patent Publication No. 2003/0074359 (Tezuka) in view of Mayer, U.S. Patent Publication No. 2002/0178,246 (Mayer).

Before discussing the claims, Applicant provides a brief overview Mayer, newly cited in the Final Office Action. An overview of Tezuka is also provided.

Brief Overview of Tezuka

Tezuka provides a network management unit which manages the configuration of a network (§ 10). In the described system, a network element information manager collects and manages network element information from relevant network elements (§ 31, 36). Examples of network

elements include network termination equipment, optical network unit, and optical line termination (§ 44).

Based on the collected network element information, a network management model builder examines the existing network management model and determines if the network management model should be changed (§ 37). A network management model refers to an abstract systematic representation of the structure of a specific network of interest (§ 32).

If a change is needed, the network management model builder consults the scenario manager to retrieve an appropriate scenario for the change to create a new version of the network management model with the retrieved scenario (§ 38, 62, 62).

Brief Overview of Mayer

Mayer describes an analysis platform used by a network administrator (FIG. 3, ¶15) to analyze a network configuration model against a corporate network policy to determine violations of the policy (FIG. 2, ¶ 15). The platform builds an internal network configuration model is built from configuration files collected from devices on the network (§ 11, 15, 32). For example, the network configuration model “includes the configuration of relevant routers for switching traffic, firewalls for passing through or dropping traffic, and local access control mechanisms on the host (e.g., TCP wrappers) for making the services accessible” (§ 16).

The network configuration model is analyzed against the policy and adds an entry to a report each time it detects a violation (FIG. 2, steps 240-255). For example, the network policy may describe capabilities for particular hosts in the network (e.g., mail server, DNS server). The analysis platform analyzes the network configuration model to “verify that the IP traffic from and to these hosts are limited according to the type of service, and to ensure that the right type of IP traffic get from/to a host” (§ 16).

The analysis provides a report of violations of the network policy (FIG. 2, step 260). The network administrator can “use the report generated to correct the initial problems with the configuration files” (§ 89). Before the new configuration files are implemented, they can be rebuilt into a new network model and analyzed using the network policy (§ 90, 91).

Independent Claim 1

Claim 1 as amended, is directed to a computer-storage medium encoded with computer-executable instructions that, when executed, perform a method for configuring the operation of a computer connected to a computer network. Claim 1 recites, “initiating on the computer connected to the computer network an execution of a network DNA policy action of the network DNA policy if the network DNA policy condition of the network DNA policy is satisfied.”

This limitation clearly distinguishes over the cited references. The Office Action admits that Tezuka does not teach this feature, but asserts that the feature is taught by Mayer via FIG. 2 and a passage from paragraph 16. This contention is unsupported by the reference. As described above, Mayer analyzes IP traffic to determine if the network configuration is in compliance with the network policy. The result of the analysis is a report containing a record of violations of the policy. In contrast, the claim language requires “initiating... an execution of a network DNA policy action... *if the network DNA policy condition of the network DNA policy is satisfied.*”

The claim language also requires “*initiating on the computer* connected to the computer network *an execution of a network DNA policy action...*” In contrast, Mayer’s analysis platform produces a report for a network administrator. Mayer teaches the “network administrator can... use the report generated to correct the initial problems with the configuration files” (§ 89). Thus Mayer does not teach the claimed approach in which a computer obtains network DNA for a network to which it is connected and then initiates a network DNA policy action. Therefore, Mayer does not meet the limitation of: “initiating *on the computer* connected to the computer network an execution of a network DNA policy action of the network DNA policy if the network DNA policy condition of the network DNA policy is satisfied.”

Accordingly, claim 1 patentably distinguishes over the prior art of record, so that the rejection of claim 1 under 35 U.S.C. §103 should be withdrawn.

Claims 2-15 depend from claim 1, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicant reserves the right to argue further for the patentability of these claims.

Independent Claim 16

Claim 16 as amended, recites “determining a network DNA of the computer network, the network DNA comprising a network species component configured to indicate a network species classification, the network species classification including an enterprise network, a home network, and a public place network.”

Claim 16 as amended clearly distinguishes over the cited references. In contrast, Tezuka merely describes a system having several different types of networks (access networks, SDH network, IP network), but does not teach or suggest “*determining* a network DNA... comprising a network species component configured to *indicate* a network species classification.” Further, Tezuka’s networks are associated with different *technologies* not “*network species classifications*, the network species classifications including enterprise network, home network and public place network.”

Marples also fails to teach or suggest this limitation. Marples describes a system for initiating connections through firewalls. Marples identifies the fact that “private home,” “public,” and “private corporate” networks may be separated by firewalls and the firewalls may make it difficult for devices on opposite sides to initiate communication (§ 5), but like Tezuka, fails to teach or suggest “a network species component configured to *indicate* a network species classification.”

Even if combined, the teachings of Tezuka and Marples do not yield the claimed invention. Rather, the combination would provide a method for initiating communication between Tezuka’s network management unit and network elements on access, SDH and IP networks separated by firewalls.

Accordingly, claim 16 patentably distinguishes over the prior art of record, so that the rejection of claim 16 under 35 U.S.C. §102 should be withdrawn.

Claims 17-21 depend from claim 16, incorporate all of its limits, and should be allowed for at least the same reasons. The dependent claims also add limitations that further distinguish over the references, and Applicant reserves the right to argue for the further patentability of these claims.

Independent Claim 22

Claim 22 as amended, is directed to a computerized system. Claim 22 recites, *inter alia*, "...a network species component configured to indicate a network species classification, the network species classification including an enterprise network, a home network, and a public place network."

This limitation clearly distinguishes over the cited references. The Office Action asserts that Mayer teaches this limitation at paragraph 17. The passage states "the network policy describes routes (e.g., sequences of IP addresses of gateways and routers) that the IP traffic should take between different sites of the same enterprise." Applicants acknowledge that Mayer's system involves an enterprise network. However, Mayer's system is specifically for use in an enterprise network (§ 14), and fails to teach or suggest "a network species component configured to *indicate* a network species classification..." Such a component would have no use for a system designed only for use in an enterprise network since there would be no reason to indicate a network species classification.

Accordingly, claim 22 patentably distinguishes over the prior art of record, so that the rejection of claim 22 under 35 U.S.C. §103 should be withdrawn.

Claims 23, and 25-39 depend from claim 22, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicant reserves the right to argue further for the patentability of these claims.

Claims 20, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka and Mayer as applied to claim 1, 16 and 22 above in view of Marples.

Independent Claim 40

Claim 40 as amended, recites "a network species component configured to indicate network species classifications, the network species classifications including enterprise network, home network and public place network, and the network species classifications determined as a function of, at least, network security, network management and network addressing."

The Examiner has cited passages and figures of Tezuka and Marples as purportedly teaching these features. FIG. 3 and accompanying paragraph 41 of Tezuka show and describe a network system in which Tezuka's invention may be implemented. The system comprises several different types of networks (access networks, SDH network, IP network). Tezuka merely states that the network system contains access networks, an SDH network, and an IP network, but doesn't teach or suggest "a network species component configured to *indicate* network species classifications." Further, these networks are associated with different types of *network technologies* not "*network species classifications*, the network species classifications including enterprise network, home network and public place network." Since the networks of Tezuka are associated with different technologies, not network species classifications, Tezuka necessarily fails to teach or suggest "the network species classifications determined as a function of, at least, network security, network management and network addressing."

Marples also fails to teach or suggest this limitation. Marples describes a system for initiating connections through firewalls. Paragraph 5 simply identifies the fact that "private home," "public," and "private corporate" networks may be separated by firewalls and the firewalls may make it difficult for devices on opposite sides to initiate communication. Marples also fails to teach or suggest "a network species component configured to *indicate* network species classifications." Further, Marples does not teach or suggest firewalls, or anything else, determine network species classifications "as a function of, at least, network security, network management and network addressing."

Even if combined, the teachings of Tezuka and Marples do not yield the claimed invention. Rather, the combination would provide a method for initiating communication between Tezuka's network management unit and network elements on access, SDH and IP networks separated by firewalls.

Accordingly, claim 40 patentably distinguishes over the prior art of record, so that the rejection of claim 40 under 35 U.S.C. §103 should be withdrawn.

Claims 41-44 depend from claim 40, incorporate all of its limits, and should be allowed for at least the same reasons. The dependent claims also add limitations that further distinguish over the references, and Applicant reserves the right to argue for the further patentability of these claims.

Claims Rejected Under Different Art Or Statute

Claims 12, 17, 23 and 25-26 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka and Mayer in view of Williams, U.S. Patent Publication No. 2005/0257267 (Williams).

Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka and Mayer as applied to claim 22 above in view of Britt, U.S. Patent No. 6,675,209 (Britt).

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka and Mayer as applied to claim 16 above in view of Jacobs, U.S. Patent No. 7,257,560 (Jacobs).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka and Mayer as applied to parent claim 1 in view of Marples, U.S. Patent Publication No. 2003/0140142 (Marples).

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka and Marples as applied to claims 40 and 41 above in view of Jacobs, U.S. Patent No. 7,257,560 (Jacobs).

Claims 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka, Marples and Jacobs as applied to claims 40 and 41 above in view of Anderson et al. (U.S. Patent Publication No. 2004,006,8582 (Anderson)).

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka and Mayer as applied to claim 1 above in Anderson.

Since each of these dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70234US00.

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